

REMARKS

Reexamination and reconsideration of the claims 161 and 164-167 are respectfully requested. Claims 123-160 are allowed and the Examiner's indication of allowable subject matter in claims 162 and 163 is acknowledged with appreciation. Applicants also appreciate the consideration of the filed Information Disclosure Statement (IDS).

Claims 161 and 165-167 were rejected under 35 U.S.C. sec. 103(a) applying U.S. Pat. No. 4,896,997 ('997) in view of U.S. Pat. No. 4,437,789 ('789). The '997 patent requires trenching a relatively wide path through the earth in order to bury a cable and sheath assembly deep within the ground using a tractor. See Fig. 1 and the Abstract of the '997 patent. Likewise, the '789 patent requires a plow that buries a cable within the earth. See Fig. 1 and the Abstract of the '789 patent. For a patent to be applicable under sec. 103(a), the teaching must, *inter alia*, expressly or inherently, teach, disclose, or suggest each and every feature of the claimed invention. Additionally, motivation and suggestion to combine the patents must be present.

The amendment of claim 161 is not an admission that the art of record teaches, discloses, or otherwise suggests the features of the claim. Claim 161 recites a fiber optic installation including an elongate body defining at least one lengthwise extending duct and adapted to be disposed within a channel defined by a road surface, at least one optical waveguide disposed within a respective duct defined by the elongate body, and a filling material overlying said elongate body and at least partially filling the channel, wherein said filling material is selected from the group consisting of bitumen and a hot melt adhesive.

It is respectfully submitted that the applied art, taken alone or in combination with the other art of record, does not implicitly or expressly teach, disclose, or suggest all of the

features of claim 161. The skilled artisan would have understood that both the '997 patent and the '789 patent require relatively wide and deep trenches formed by a plow in the earth. In other words, the trenching of the '997 and '789 patents would destroy a road surface. Applicants assert that the combination of references does not teach each and every feature of claim 161. For at least this reason, withdrawal of the sec. 103(a) rejection of claims 161 and 165-167 is warranted and is respectfully requested.

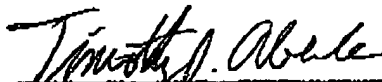
Claims 164 was rejected under 35 U.S.C. sec. 103(a) applying the '997 and '789 patents in view of U.S. Pat. No. 3,219,368 ('368). For at least the reasons stated above with respect to claim 161, withdrawal of the sec. 103(a) rejection of claim 164 is warranted and is respectfully requested.

No other fees are believed due in connection with this Reply. If any fees are due in connection with this Reply, please charge any fees, or credit any overpayment, to Deposit Account Number 50-0425.

Allowance of all pending claims is believed to be warranted and is respectfully requested.

The Examiner is welcomed to telephone the undersigned to discuss the merits of this patent application.

Respectfully submitted,


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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

161. (twice amended) A fiber optic installation comprising:

an elongate body defining at least one lengthwise extending duct and adapted to be disposed within a channel defined by a road surface;

at least one optical waveguide disposed within a respective duct defined by said elongate body; and

a filling material overlying said elongate body and at least partially filling the channel, wherein said filling material is selected from the group consisting of bitumen and a hot melt adhesive.

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